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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:

)Attorney Docket No.: F-190

Robert A. Cordery et al.

)Group Art Unit: 3621

Serial No.: 09/650,177

)Examiner: C. Hewitt II

Filed: August 29, 2000

)Date: April 6, 2006

Confirmation No.: 9743

Title: SECURE USER CERTIFICATE FOR ELECTRONIC COMMERCE EMPLOYING
VALUE METERING SYSTEM

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF TO EXAMINER'S ANSWER

Sir:

This Reply Brief, filed pursuant to 37 C.F.R. § 41.41, is in response to the Examiner's Answer mailed March 3, 2006.

(1) On pages 4 and 11, the Examiner's Answer references a rejection under 35 U.S.C. § 112, second paragraph, and contends that the Appellant has not argued the merits of this rejection in the Appeal Brief. Page 2, last sentence, of the Advisory Action Before the Filing of an Appeal Brief, mailed on Sept. 19, 2005, states, "The Examiner agrees to withdraw the 112 rejection." Accordingly, Appellants respectfully submit that the rejection under 35 U.S.C. § 112 was withdrawn before the Appeal Brief was filed and is no longer a ground of rejection to be reviewed on Appeal.

(2) On page 9, the Examiner's Answer contends that in Fischer (US 5,005,200), a cryptographic key is not activated until it is sent to a certifying authority for certification, and

therefore the generation and activation of the key do not occur at the same time. Appellants respectfully disagree.

The use of a certifying authority does not in any way activate a cryptographic key for use. As noted specifically in Fischer, problems persist in public key cryptosystems of assuring that a specified public key is that actually created by the specified individual. One known technique for addressing this problem is to rely on some trusted authority, e.g., a governmental agency, to insure that each public key is associated with the person claiming to be the author. The trusted authority creates a digital message which contains the claimant's public key and the name of the claimant (which is accurate to the authority's satisfaction) and a representative of the authority signs the digital message with the authority's own digital signature. This digital message, often referred to as a certificate, is sent along with the use of the claimant's own digital signature. Any recipient of the claimant's message can trust the signature, provided that the recipient recognizes the authority's public key (which enables verification of the authority's signature) and to the extent that the recipient trusts the authority. (Col. 3, lines 53-64).

Receiving a certificate from a certificate authority has no bearing on activation of a key for use. A certificate authority simply provides a trusted assurance that the key is actually associated with a specific party. A certificate from a certificate authority, however, is not required and a private key can be used at any time with or without a certificate from a certificate authority. Note that claim 35 includes the steps of sending a certificate request for the public key of the cryptographic key pair to a certificate authority and receiving a cryptographic certificate from the certificate authority. Receiving a certificate for the public key of the cryptographic key pair, however, does not activate the private key of the cryptographic key pair as noted above. There is no disclosure, teaching or suggestion in Fischer of "deducting funds from the register for obtaining the requested certificate; and in response to funds being deducted from the register, activating the private key of the cryptographic key pair" as is recited in claim 35. In Fisher, the public and private keys are generated and activated at the same time. Claim 35, in contrast, specifically recites that the key pair is generated if there are sufficient funds present in the register, but the private key of the key pair is not activated until after the funds have been deducted from the register.

(3) Appellants' Brief on Appeal addresses the remaining issues contained within the Examiner's Answer.

In conclusion, at least for the reasons stated above and those provided in Appellant's Brief on Appeal, Appellant respectfully maintains that the final rejection of claims 35 and 37 is in error and should, therefore, be reversed.

Respectfully submitted,



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